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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,177	09/10/2003	Carston R. Calkin	2012	7606
7590 06/09/2004				
MARK D. OLSON OLSON & OLSON 2400 S.W. 4th Avenue Portland, OR 97201			EXAMINER SANTOS, ROBERT G	
			ART UNIT 3673	PAPER NUMBER

DATE MAILED: 06/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/660,177	Applicant(s) CALKIN, CARSTON R.	
	Examiner Robert G. Santos	Art Unit 3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Finken '692 in view of Eskeli '850. Finken '692 shows the claimed limitations of a flexible drag stretcher (10) comprising a longitudinally elongated flexible center base panel (16, 18) comprising a longitudinally elongated flexible sheet formed of a flexible material and having a selected length sufficient to underlie the entire length of the head, torso body portion, legs and feet of a person (as shown in Figures 2 & 3); a longitudinally elongated, flexible side torso flap member (36, 40) associated with each opposite lateral side edge of the center base panel, each flap member comprising a longitudinally elongated sheet formed of a flexible material and configured for engaging only the torso body of a person (as shown in Figure 3); flexible hinge means (28, 30) for longitudinally and flexibly interconnecting the center base panel and the side torso flap members, wherein the flexible hinge means includes lengths of flexible cord material; flexible torso strap members (88, 90, 92, 96, 98) releasably and adjustably interengaging the opposite side torso flap members; a hand grasp member (122, 124, 126) associated with the longitudinal head end of the center base panel; and flexible leg strap members (100, 102, 104). However, Finken '692 does not specifically disclose a condition wherein the center base panel

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and each side torso flap member are formed from a flexible synthetic thermoplastic resin material. Eskeli '850 provides the basic teaching of a flexible drag stretcher (10) comprising a center base panel (12) and a pair of side torso flap members (20, 20') each formed from a flexible synthetic thermoplastic resin material (as described in column 1, lines 38-41 and in column 4, lines 56-58). The skilled artisan would have found it obvious at the time the invention was made to provide the stretcher of Finken '692 with a center base panel and a pair of side torso flap members each formed from a flexible synthetic thermoplastic resin material in order to facilitate cleaning and disinfecting thereof, thereby helping to ensure adequate hygiene for a patient carried therein (see Eskeli '850, column 4, lines 56-58).

3. Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith '075 in view of Eskeli '850. Smith '075 shows the claimed limitations of a flexible drag stretcher (10) comprising a longitudinally elongated flexible center base panel (30) comprising a longitudinally elongated flexible sheet formed of a flexible material and having a selected length sufficient to underlie the entire length of the head, torso body portion, legs and feet of a person; a longitudinally elongated, flexible side torso flap member (41, 42) associated with each opposite lateral side edge of the center base panel, each flap member comprising a longitudinally elongated sheet formed of a flexible material and configured for engaging only the torso body of a person; flexible hinge means (35, 36) for longitudinally and flexibly interconnecting the center base panel and the side torso flap members; flexible torso strap members (48, 50, 51, 53, 101, 104) releasably and adjustably interengaging the opposite side torso flap members; a hand grasp member (114, 115) associated with the longitudinal head end of the center base panel; and

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flexible leg strap members (102, 103, 105, 106). However, Smith '075 does not specifically disclose a condition wherein the center base panel and each side torso flap member are formed from a flexible synthetic thermoplastic resin material. Eskeli '850 provides the basic teaching of a flexible drag stretcher (10) comprising a center base panel (12) and a pair of side torso flap members (20, 20') each formed from a flexible synthetic thermoplastic resin material (as described in column 1, lines 38-41 and in column 4, lines 56-58). The skilled artisan would have found it obvious at the time the invention was made to provide the stretcher of Smith '075 with a center base panel and a pair of side torso flap members each formed from a flexible synthetic thermoplastic resin material in order to facilitate cleaning and disinfecting thereof, thereby helping to ensure adequate hygiene for a patient carried therein (see Eskeli '850, column 4, lines 56-58).

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith '075 in view of Eskeli '850 as applied to claim 1 above, and further in view of Fletcher '875. Smith '075, as modified by Eskeli '850, lacks the use of a pair of groin straps configured for extension upwardly from the base end of center base panel between the legs of a patient carried on the stretcher. Fletcher '875 provides the basic teaching of a stretcher provided with a pair of groin straps (21, 22). The skilled artisan would have found it obvious at the time the invention was made to provide the stretcher of Smith '075, as modified by Eskeli '850, with a pair of groin straps configured for extension upwardly from the base end of center base panel between the legs of a patient carried on the stretcher in order to ensure further that the patient is properly secured within the stretcher as desired.

### *Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wright '044, Chavez '989, Butler et al. '137, Landes '529, Richardson '303, Ullman '619, Horie '746, Rosane '514, Anderson '575, Murphy '254, Sherwood et al. '031, Calkin '833, Bradford '739, Russell '327, Calkin '908, Kendrick '218, Burns et al. '908, Ferguson '530, Springer '828, Peters '181, Martinson '694, Reeves '456, Shickle '957, Shickle '574, Serre '653, and Kohn et al. '691.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert G. Santos whose telephone number is (703) 308-7469. The examiner can normally be reached on Tu-Fr and first Mondays, 10:30 a.m. to 8:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather C. Shackelford can be reached on (703) 308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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Robert G. Santos

Primary Examiner

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R.S.

May 28, 2004